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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	Mail Stop Amendments Examiner Jeffrey Gerben Hoekstra	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	OCTOBER 20, 2006
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	23
PHONE NUMBER:	571-272-7232	SENDER'S REFERENCE NUMBER:	1023-362US01
RE:	Response to Office Action dated July 20, 2006	APPLICATION SERIAL NUMBER:	10/825,955

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230
Keith A. Miesel
Serial No.: 10/825,955
Filed: April 15, 2004 Customer No.: 28863
Examiner: Jeffrey Gerben Hockstra
Group Art Unit: 3736
Docket No.: 1023-362US01
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted
via facsimile to the United States Patent and Trademark Office on October 20, 2006.

By: Shirley A. Betlach

Name: Shirley A. Betlach

Mail Stop Amendments
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
☒ Amendment (21 pgs.)
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 10/20/06By: Jason D. Kelly

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8230
Serial No.:	10/825,955		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Jeffrey Gerben Hoekstra		
Group Art Unit:	3736		
Docket No.:	1023-362US01		
Title:	COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE		

AMENDMENT

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed July 20, 2006, the period of response for which runs through October 20, 2006, please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 15 of this paper.